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NASA Procedural Requirements

COMPLIANCE IS MANDATORY**NPR 1382.1**Effective Date: August 10,
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Request Notification of Change

 (NASA Only)

Subject: NASA Privacy Procedural Requirements

Responsible Office: Office of the Chief Information Officer

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Chapter 4. NASA Web Site Privacy

4.1 General

4.1.1 This chapter establishes procedures for ensuring the privacy and protection of PII on, or collected by, NASA Web sites.

4.1.2 Web sites that are designed to accomplish a NASA function and that are operated under a contract are, in effect, deemed to be maintained by the Agency and are subject to these procedural requirements.

4.2 Web Site Assessment

The Responsible NASA Official (RNO) for each NASA Web site shall complete an IPTA as prescribed in Chapter 3, the results of which will enable determination of the applicability of the remaining requirements of this chapter.

4.3 Privacy Policy on NASA Web Sites

4.3.1 The "NASA Web Privacy Policy and Important Notices" (referred to hereafter as "NASA Web Privacy Policy") is available through the NASA Office of the CIO (OCIO) Web site. The NASA CIO shall ensure that the Web Privacy Policy:

- a. Informs visitors as to whether their provision of requested information is voluntary.
- b. Informs visitors on how to grant consent for the use of voluntarily provided information.
- c. Informs visitors on how to grant consent for NASA to use the information that the Web site collects via required fields for other than statutorily mandated uses or authorized routine uses under the Privacy Act.
- d. Notifies Web site visitors of their rights under the Privacy Act, where appropriate (see section 5.3.2).
- e. Specifies what information NASA collects automatically (e.g., user's internet protocol (IP) address, location, and time of visit) and identifies the use for which it is collected (i.e., site management or security purposes).
- f. Incorporates information to meet the requirements of the COPPA, where appropriate (see section 4.4).
- g. Notifies visitors as to how the Agency handles unsolicited e-mail, including the fact that the sender's privacy is not guaranteed.

4.3.2 Web site curators shall clearly post a link to the NASA Web Privacy Policy on the home page of all NASA Web sites, modified as necessary to accurately reflect their specific Web sites (e.g., to indicate the collection of persistent cookies (see section 4.4.6.c)).

4.3.3 Web site curators shall ensure that links to the NASA Web Privacy Policy are:

a. Clearly labeled "Privacy Policy and Important Notices."

b. Easily accessible by all visitors to a Web site.

4.3.4 Web site curators shall ensure that machine readable technology is used that alerts users automatically about whether site privacy practices match their personal privacy preferences.

4.3.5 Posting of the NASA Web Privacy Policy is not required if:

a. A Web site is comprised solely of information other than "Government information" as defined in OMB Circular A-130 (i.e., information created, collected, processed, disseminated, or disposed of by or for the Federal Government).

b. A Web site is an Agency intranet Web site accessible only by authorized NASA users (employees, contractors, consultants, fellows, and grantees).

c. A Web site is for a national security system defined in 40 U.S.C. 11103 as exempt from the definition of information technology (see section 202(i) of the E-Gov Act).

4.4 Collecting PII

4.4.1 If Web sites collect PII, Web site curators shall ensure that their privacy policies clearly and concisely inform visitors to the site about the following:

a. Any PII collected or proposed to be collected.

b. Why the information is collected.

c. How the information is collected (if not apparent).

d. How the visitor can avoid or disable the collection mechanism if so desired.

e. How the information that is collected will be used, including retention and disposition information.

f. Whom to contact to access the information collected about them.

4.4.2 If a NASA Web site collects PII that qualifies as a Privacy Act SOR, the RNO for the site shall ensure that all Privacy Act requirements are met.

4.4.3 RNOs shall maintain the confidentiality, security, and integrity of any PII their Web sites collect.

4.4.4 NASA Web sites that are intended for use by children and that collect PII from children who are under the age of 13 are subject to the requirements of COPPA. See Appendix G for additional information to assist in determining the applicability of COPPA. For Web sites subject to COPPA, Web site curators shall:

a. Eliminate the collection of information if the information is not essential to a NASA program.

b. Incorporate notice of the information collection practices into the Web Privacy Policy for their site, providing users with the following information:

(1) A description of what specific types of PII are collected from children (e.g., name, age, home address, e-mail address, or hobbies) and whether any additional information is collected passively (e.g., through cookies).

(2) A description of how the information will be used (e.g., to make the information available through a child's participation in a chat room) and whether PII is shared with third parties.

(3) How long the information will be maintained.

(4) Who will have access to the information.

(5) A contact name and information (address, telephone, e-mail address) for the site.

c. Web site RNOs shall make reasonable efforts to ensure that parents or legal guardians of children receive notice of the site's information collection practices and obtain verifiable parental consent to those practices before PII is collected from a child. Further elaboration on the parental notice is contained in Appendix G.

(1) Upon request from the parent or legal guardian, the RNO shall provide a means that is reasonable under the circumstances for the parent to obtain any personal information collected from that child.

(2) RNOs shall ensure that parents are provided with the right to revoke their consent and ask that information about their children be deleted from the site database at any time.

(3) When a parent revokes consent, the Web site RNO shall ensure that collection, use, or disclosure of information from that child is ceased immediately.

d. The Web site RNO shall also obtain parental consent when the site:

- (1) Considers a change to the kinds of information previously collected.
- (2) Changes how the information is used.
- (3) Offers the information to new or different third parties.
- (4) Uses the information in a way that is different than how it was specified when parental consent was originally obtained.
- (5) Gives a child access to a secondary site that was not originally specified in the Web site notification.

e. Instances when parental consent is not necessary are discussed in Appendix G.

f. The Web site RNO shall ensure that PII is disclosed only to individuals internal to NASA who have a business requirement for the information or to those individuals external to the Agency in accordance with "routine uses" published in a Privacy Act SORN.

g. The Web site curator shall ensure that an exit notice is placed between the COPPA site and any external links stating that NASA is not responsible for the material found on, or the data collection activities of, the external Web pages. This provides clear notification to both the child and the parent that they are exiting the NASA domain and that NASA can no longer guarantee the security of their information.

h. RNOs shall not condition a child's participation in a game, the offering of a prize, or another activity on the child's disclosing of more personal information than is reasonably necessary to participate in such activity.

4.4.5 NASA Web site RNOs shall ensure that Web sites do not use persistent cookies on public NASA Web sites unless all of the following conditions are met:

- a. The RNO determines that there is a compelling need to collect the data on the site (e.g., site enhancement, navigational assistance for returning visitors, or similar needs).
- b. The Web site RNO has received prior approval from the NASA CIO to use persistent cookies.
- c. The Web site provides clear and conspicuous notice concerning its use of cookies or other automatic means of collecting information.
- d. The Web site includes appropriate and publicly disclosed privacy safeguards for how information derived from "cookies" will be handled and maintained.

4.4.6 When a public Web site uses persistent cookies:

- a. The RNO shall prepare a memorandum requesting a waiver to use persistent cookies to be addressed to the NASA CIO through the NASA Associate Chief Technology Officer (CTO) and the NASA Privacy Act Officer. A waiver template is provided in Appendix C.
- b. The RNO shall annually seek a continuation of a previous NASA OCIO waiver for the use of persistent cookie technology as long as the use requirement remains.
- c. The site curator shall post, as part of the site's Privacy Policy, clear and conspicuous notices about the site's use of cookies or other automatic means of collecting information. The notice must include:
 - (1) The nature of the information collected.
 - (2) The purpose and use of the information.
 - (3) Whether, and to whom, the information will be disclosed.
 - (4) The privacy safeguards applied to the information collected.
 - (5) The consequences of opting out (e.g., the application the visitor wishes to use may not work correctly without the cookie).
- d. Further information describing cookies, the preparation of waiver requests, and the required notice are contained in Appendix G.

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